

286.8-190 Grounds for investigation -- Action executive director may take after investigation.

- (1) The executive director may investigate either upon complaint or otherwise when it appears that a mortgage loan company or mortgage loan broker is conducting its business in an unsafe and injurious manner or in violation of this subtitle, or any rule or order hereunder, or when it appears that any person is engaging in the mortgage loan business without being registered under the provisions of this subtitle.
- (2) If it appears to the executive director upon sufficient grounds or evidence satisfactory to the executive director that any mortgage loan company or mortgage loan broker has engaged in or is about to engage in any practice in violation of this subtitle or any rule or order hereunder, or the mortgage loan company's or mortgage loan broker's affairs are in an unsafe condition the executive director may:
 - (a) Order the mortgage loan company or mortgage loan broker to cease and desist from the acts or practices by a formal written order delivered to the company or broker stating any alleged violation together with a statement of the facts alleged to be the violation. The order shall specify the effective date thereof and notice of entry shall be served personally or sent by certified mail or telegraph to the company or broker affected. The company or broker, upon application, shall be entitled to a hearing; but if no application is made within twenty (20) days after the delivery of the order, it shall be made final and shall remain in effect until withdrawn by the executive director or terminated by a court order;
 - (b) Apply directly to Franklin Circuit Court to enjoin any acts or practices in violation of this subtitle and to enforce compliance with this subtitle or any rule or order hereunder. Upon proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The executive director may not be required to post a bond.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 77, sec. 11, effective July 14, 1992. -- Created 1980 Ky. Acts ch. 365, sec. 20, effective July 15, 1980.

Formerly codified as KRS 294.190.

Legislative Research Commission Note (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.